

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 DEC 2005

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Applicant's or agent's file reference Hi-bu 051455wo		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/US2004/028617		International filing date (day/month/year) 02.09.2004	Priority date (day/month/year) 05.09.2003	
International Patent Classification (IPC) or national classification and IPC C09J702				
Applicant 3M INNOVATIVE PROPERTIES COMPANY et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  05.07.2005		Date of completion of this report  23.12.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Schlicke, B  Telephone No. +31 70 340-1013 		

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/028617

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-12 received on 05.07.2005 with letter of 05.07.2005

**Drawings, Sheets**

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☒ the claims, Nos. 1-12
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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International application No.  
PCT/US2004/028617

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Re Item I**

**Basis of the report**

The amendments filed with the letter dated 05.07.2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

The amendments concerned are the following: "...said lateral spacing at said tape end being less than a width of said corresponding adjacent divided areas at said tape end".

The application as originally describes only some specific examples satisfying this definition (figures). It fails however to provide sufficient information from which the skilled person could derive the principle in its entire scope.

The report is based on the application documents as originally filed.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 Reference is made to the following documents:

- D1: EP-A-1 077 242 (BEIERSDORF AG) 21 February 2001
- D2: EP-A-0 696 628 (BEIERSDORF AG) 14 February 1996
- D3: US-A-4 647 485 (NELSON ROY E) 3 March 1987
- D4: PATENT ABSTRACTS OF JAPAN vol. 1997, no. 05, 30 May 1997 & JP09025460 A (YAMAMOTO KOGYOSHO:KK), 28 January 1997

2 The document D1 discloses (claim 1; fig. IX; example V.03-PSA-2; page 6, lines 10-12) a stretch releasable adhesive tape comprising an extensible substrate layer and pressure-sensitive adhesive layers coated on both surfaces of the substrate layer. An end portion of the tape is divided in longitudinal direction.

Hence, the subject-matter of present claim 1 lacks novelty in view of this teaching

(Article 33(2) PCT).

- 3 The document D2 discloses (claims 1,2,5) a stretch releasable adhesive tape comprising an extensible substrate layer and pressure-sensitive adhesive layers coated on both surfaces of the substrate layer. One end portion of the tape terminates in a serrated ("gezackt") shape and is therefore divided by notches.

Hence, the subject-matter of present claim 1 lacks novelty in view of this teaching (Article 33(2) PCT).

- 4 The document D3 discloses (figures; col. 2, lines 18-49) an adhesive packaging tape comprising a flexible substrate layer and a pressure-sensitive adhesive layer coated on one surface of the substrate layer. The tape is divided along its entire longitudinal extension (thus also at its end portions) by slit-like perforations and groove-like openings, respectively.

Similar arguments apply to document D4.

Hence, the subject-matter of present claim 1 lacks novelty in view of these teachings (Article 33(2) PCT).

It is noted that the terms "releasable" and "extensible" are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer (Article 6 PCT). Consequently, the terms are not suitable for distinguishing the subject-matter of claim 1 from the prior art.

- 5 The attention of the Applicant is drawn to the following: The definitions of the terms "slit", "notch", "slot", "groove" and "perforation" used in the dependent claims also include end portions with a smaller surface area than the surface area of the undivided end portion. Hence, these terms are not considered as being suitable for defining a tape having both, a divided end portion **and** the same adhesion area as in the undivided tape.

**CLAIMS**

1. A stretch release adhesive tape comprising:
  - an extensible substrate layer, and
  - a pressure sensitive adhesive layer coated on at least one surface of said substrate layer,
  - wherein an end portion of said tape terminates at a tape end and is divided in the longitudinal direction of the tape to define a plurality of divided areas, adjacent ones of which are separated by a lateral spacing, said lateral spacing at said tape end being less than a width of said corresponding adjacent divided areas at said tape end.
2. A stretch release adhesive tape according to claim 1, wherein slits are formed in said end portion to define said divided areas.
3. A stretch release adhesive tape according to claim 1, wherein notches are formed in said end portion to define said divided areas.
4. A stretch release adhesive tape according to claim 1, wherein slots are formed in said end portion to define said divided areas.
5. A stretch release adhesive tape according to claim 1, wherein grooves are formed in said end portion to define said divided areas.
6. A stretch release adhesive tape according to claim 5, wherein said grooves extend through an entirety of a thickness of said pressure sensitive adhesive layer and partially through a thickness of said substrate layer.
7. A stretch release adhesive tape according to claim 1, wherein a sequence of perforations are formed in said end portion to define said divided areas.

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8. A stretch release adhesive tape according to claim 7, wherein said sequence of perforations are spaced from said tape end.
9. A stretch release adhesive tape according to claim 1, wherein a bonding surface area provided by said end portion is reduced by not more than 15 % of a bonding surface area provided by said tape immediately adjacent said end portion.
10. A stretch release adhesive tape according to claim 1, wherein said tape has a second end portion opposite said end portion, said second end portion being free of said lateral spacings.
11. A stretch release adhesive tape according to claim 1, wherein said end portion forms a multiplicity of divided areas each having a uniform width.
12. A stretch release adhesive tape according to claim 11, wherein said widths of said multiplicity of divided areas are even.